

REMARKS

The subject Office Action rejected claims 1 - 17 as being unpatentable under 35 USC §103(a) over U.S. Patent No. 4,840,650 to Matherne. Claims 1 and 10 as previously amended are believed to be allowable over the Matherne patent, as discussed below.

The Matherne patent teaches a housing (12) formed of thin planar material with an entrance opening (14) and an exit opening (16) and air channeling means (13, 15) according to column 2, lines 52 - 65 of the patent. The Matherne housing (12) is substantially an open ended box into which a filter medium (20) is stuffed. In contrast, according to claim 1 of the application being examined, the present invention utilizes a "self-supporting lattice framework ... configured in cross section substantially as a symmetrical array of connected panels." The term "self-supporting" as used in the application indicates that no housing is employed. Further, the present invention comprises "...four substantially planar rectangular panels to form a symmetrical array having the cross sectional shape of a W" (see paragraph 0009, lines 2 - 4). Matherne does not teach nor suggest a self-supporting lattice or a symmetrical array of connected panels.

In addition, claim 1 of the application requires "means on the framework for releasably mounting the assembled filter medium and framework to a leading edge of a fan paddle with opposed portions extending outwardly of the fan paddle in symmetrical relation thereto," also not taught or suggested by Matherne. The claim 1 limitation of "mounting... with opposed portions extending outwardly of the fan paddle in symmetrical relation thereto" was characterized in the Office Action as "attachment means in the middle of the framework lattice rather than on one side as attachment

means (28) of Matherne.” The subject Office Action in the sentence straddling pages 2 and 3 states: “...it has been held that rearranging parts of an invention involves routine skill in the art. See *In re Japikse*, 86 USPQ 70.” It is respectfully noted that the original USPQ text of the *Japikse* opinion at page 73 in the middle of the second column states that: “there would be no invention in shifting the starting switch disclosed by Cannon to a different position since the operation of the device would not thereby be modified” (emphasis added). Interpreting from this opinion, if the operation of the device is modified by changing the position of components, there is invention. In the case of the present invention, “[T]he symmetrical form of air purifier 20, as mounted on the leading edge of fan paddle 16 equalizes the force of air against the front surface of air purifier 20 thus optimizing captured air flow and keeping air purifier 20 securely mounted” (paragraph 0013, lines 5 - 8, of the application). The Applicant’s invention is mounted symmetrically to the fan paddle in order to equalize air pressure and optimize air flow, thus changing and improving the operation over prior art. It is respectfully submitted that this design represents a change in operation that is the sort of repositioning the *Japikse* court would have determined to be allowable subject matter. It is therefore believed that claim 1 is clearly allowable over the Matherne patent.

Claim 10 includes the limitation of a “fan mounted air purifier... (having) means mounted to the backing framework and filter medium adapted to mount the air purifier to straddle a leading edge of a fan paddle so that equal portions of the air purifier extend outwardly of either side of the fan paddle edge.” As noted in the Office Action, the Matherne patent teaches mounting the filter on one side only of the fan paddle, and as discussed above in reference to claim 1, the change from asymmetrical mounting to symmetrical mounting provides an improvement and change in the operation of the air purifier of the present invention. It is therefore believed that claim 10 is also allowable over the Matherne patent.

It is respectfully submitted that claims 1 and 10 as previously amended are patentable over the cited prior art of Matherne. Claims 2 - 9 and 11 - 17, being dependent from claims 1 and 10 respectively, are also believed to be in condition for allowance.

The subject Office Action served to withdraw the rejection of claims based on an earlier cited patent to Cartagna et al.

In view of the foregoing amendment and remarks, reconsideration and allowance are respectfully requested.

Respectfully submitted,

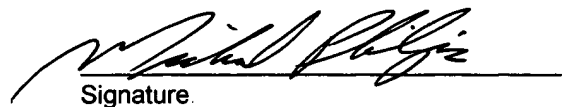


Michael R. Philips
Reg. No. 34,407
Attorney for Applicant

P.O. Box 1818
Toms River, NJ 08754-1818
Phone: 732-914-0010
Email: mrphilips@comcast.net

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 16, 2005.


Signature.